



# California Regional Water Quality Control Board

## Central Valley Region

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### ITEM 4

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## PROPOSED REVISIONS TO THE POLICY FOR IMPLEMENTATION OF TOXICS STANDARDS FOR INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA

The Central Valley Regional Water Quality Control Board staff has reviewed the proposed revisions to the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP). In accordance with the Notice of Public Hearing, we would like the State Board to consider our comments on the revisions.

### 1. Establishing Water Effect Ratios (WERs) as Part of the Permitting Process

The proposed SIP revisions appear to allow the Regional Boards to use WER procedures to derive receiving water limitations (i.e. permit-specific criteria) in permitting actions. While approving WERs through the NPDES Permit process appears more streamlined than approval of the same WER through the Basin Planning process, it can lead to undesirable complications as discussed below. The basin planning process is better suited for developing site-specific water quality objectives.

- a. The EPA Interim Guidance describes WERs as being derived based on the water quality downstream of a discharge. This process allows the quality of the discharge to set the water quality standards for our streams instead of basing the quality on what is necessary to protect beneficial uses. This concept does not appear to be consistent with the Porter Cologne Water Quality Control Act. This application would be particularly of concern in the case of effluent-dominated water bodies. The State Water Resources Control Board should include an evaluation of this concern as part of the proposed revisions.
- b. There appears to be major differences between developing a site-specific objective through the basin planning process and establishing a WER in a permit given the nature of these processes. The SIP does not address or discuss this difference. The SIP refers to EPA guidance on how to do WERs, but this guidance is mostly directed toward explaining how to establish WERs as part of the standard setting process. If the proposed SIP envisions that the level of technical review, stakeholder input and scientific review will be equivalent under both processes, the SIP needs to

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